

**REGULAR MEETING
STATE BOARD OF LAND COMMISSIONERS
April 10, 1990**

The regular meeting of the State Board of Land Commissioners was held Tuesday, April 10, 1990, at 9:00 a.m. in the conference room of the Joe R. Williams Office Building. Governor Cecil D. Andrus presided. Those members present were:

Honorable Cecil D. Andrus, President, and Governor of the State of Idaho
Honorable Pete T. Cenarrusa, Secretary of State
Honorable Jim Jones, Attorney General
Honorable J. D. Williams, State Auditor
Honorable Jerry L. Evans, Superintendent of Public Instruction

Stanley F. Hamilton, Secretary to the Board

Consent Agenda

- A. Official Transactions -- February 1990
- B. Proposed Land Sale -- Parcel No. 378-90, Lemhi County
- C. Proposed Timber Sales:
 - 1. Crazy Blue Bugs
 - 2. East Teakean OSR
 - 3. Pierce 80
 - 4. Southline Pole
- D. Applications for Addition to Qualified Bidders List:
 - 1. C&B Timber
 - 2. Brand S Corporation
 - 3. Halls Wood & Metal
 - 4. Lodge Logs, Inc.
 - 5. Pressure Treated Timber Co.
 - 6. Larry Fry Logging
- E. Cancellation and Bond Forfeiture -- Glade Stringer dba Omega Mining, Inc., Dredge & Placer Mining Permit #232

Jerry Evans moved to adopt the consent agenda. J. D. Williams seconded. The motion passed unanimously.

Regular Agenda

Rejection of Cottage Site Conflict Applications

Mr. Hamilton stated that this is a rejection of the pending cottage site conflict application auction. Legislation has been signed into law which does instruct the board to reject any and all pending and future conflict applications filed for single family, recreational, cottage homesite leases. At this time, the auction is scheduled for May 15.

Jim Jones moved approval of the recommendation. Pete Cenarrusa seconded. Governor Andrus commended the department staff, the governor's staff, and several attorneys who worked on this, for a good job. The motion passed unanimously.

Jerry Evans stated that as he reviewed the attorney general's correspondence, he noted that the whole legality of this action rests upon the assurance that each leased lot generates market rent throughout the duration of the lease, and that there may be some diversion of benefits to someone other than the beneficiaries if there is anything less than market rent paid throughout the duration of the lease period. Mr. Evans suggested that the director be asked to bring to this board a recommendation that would make sure that each leased lot is generating market rent on an annual basis although he acknowledges that is a fairly difficult task. To clarify for the director, Mr. Evans specified that this should be done annually and that there should also be an initial proposal to the board by the first of July.

Lease of Filled Lakebed -- Payette Lakes -- Manchester

Mr. Hamilton reported that this item is an application to lease a small portion of filled lakebed at Payette Lake.

Bryce Taylor provided the background briefing for the board. Mr. Taylor stated that the application is from Douglas Manchester and has been precipitated by an exchange he worked out with the city of McCall. Mr. Manchester bought some property that he would like to trade with the city of McCall for some 11,000 square feet of acreage at the old mill. He wants to build a convention center immediately behind that property and the mill property would add 182 front feet and would clean up the frontage of his property. The exchange agreement has a reversion clause; if Mr. Manchester has not completed \$3 million of construction within three years, the entire property would revert back to the city with the lease rights. The city is also seeking a permanent interest in a portion of the park which is also fill. From the process, McCall would gain a convention center, and the city would build a boardwalk running from Lake Street to Mill Park. The rental fee would be \$1,000 per year.

J. D. Williams expressed desire to see the final agreement between Mr. Manchester and the city of McCall before taking final action. Governor Andrus said that if the board is going to approve the recommendation, it should not hold up the developer. He asked if this could be buckslipped around after Mr. Williams has reviewed the agreement. J. D. Williams so moved; Mr. Evans seconded. The motion passed unanimously.

Easement Issuance Authority of Fish and Game; Parks and Recreation

Mr. Hamilton said that the board had previously dealt with the question of whether the board has authority to review all exchanges of Fish and Game and other agencies and organizations, and the board indicated that they did not feel it appropriate for the board to be placed in a review position on all of those questions. This issue in terms of easement has arisen, particularly with Fish and Game, although Parks and Recreation falls into the same category.

Jay Biladeau provided background information and the department recommendation, adding that the attorney general's office was asked to consider the easement question regarding the Department of Fish and Game. The response was that Fish and Game would have the authority to issue easements on their land. Based on A.G. Opinion 82-3 and statutory authority, Parks and Recreation would also have that authority. The department recommendation is that Fish & Game and Parks & Recreation be authorized to issue easements for uses on lands under their jurisdiction without having to go through the Department of Lands and without seeking Land Board approval.

Jerry Evans expressed concern for the people who deal with state government because each of those departments could have different procedures and different rates. He suggests the board go along with the idea, but ask that there be a uniform rate established by the Land Board and a that central location be maintained so that these easements are all recorded someplace.

Jerry Evans then moved to approve the department recommendation with the inclusion of guidelines for a uniform rate for easements and the recommendation that there be a central registration of all easements issued by the state agencies and that be the Department of Lands. Jim Jones seconded. The motion passed unanimously.

Gypsy Moth Spray Proposal

Ladd Livingston reported that in a continuing effort to do the best to eliminate this insect from the state of Idaho, the department is continuing with last year's efforts by taking care of a couple of small spots where the insect has not been eliminated; and two additional spots that were not included in last year's treatment. Most of the treatment will be in the new areas and the treatment will begin approximately the first of May. The department recommends authorization to proceed with the treatment as proposed.

Jerry Evans moved to approve the recommendation. J. D. Williams seconded. The motion passed unanimously.

Modification of Bonding Requirements for State Mineral Leases

Tom Markland reported to the board that currently the policy for those lands above the ordinary high water mark is \$5,000 per lease. The department finds that to be excessive for operations which are recreational in nature by use of hand tools and equipment such as rocker boxes. Also, since the state does not own the surface but controls the mineral, it is also excessive for the landowner to pay \$5,000 to protect the surface of his own land. The department proposes to reduce the bond to \$1,000 an acre for recreational leases. The state would retain the prerogative to increase that depending upon the plan of operation. The second recommendation is that the \$5,000 bond imposed upon a private landowner be reduced to \$2,500.

Jim Jones asked if Mr. Markland feels these minimum amounts are adequate to protect for both the environment and the state's interest in the minerals. Mr. Markland affirmed that he does feel they are adequate.

Jerry Evans asked if there is a written definition outlining what a lease "recreational in scope" is that can be handed out to the public; and has the term "minimal impact" been defined in terms of yards or surface area or what. Mr. Markland replied that in both the surface and the dredge mining acts, less than half an acre is classified as an exemption, in surface management for reclamation. Mr. Markland said that in the riverbed leasing rules, small suction dredges of two inches or less in diameter are categorized as recreational.

J. D. Williams moved to approve the recommendation. Jim Jones seconded. The motion passed 4-1; Jerry Evans voting no.

Modification of Riverbed Mineral Withdrawal -- S. Fork, Payette River; Snake River

Mr. Hamilton explained that this is a situation where the Department of Water Resources and the Land Board took slightly different directions on an issue and the department is trying to bring them back into conformance.

Tom Markland reported that in 1988 a Water Resource Board resolution withdrew five rivers for interim protected status to give them time to study whether it should be a permanent protected status. At that time, the department requested that the Land Board withdraw those rivers to parallel that resolution and to simplify their management. Then Water Resources reopened to recreational dredging. At this time the department has come back to withdraw these two rivers from the interim protected status as well. The department is recommending that they be reopened for recreational mining and lease renewal type of provisions.

J. D. Williams stated that he is a member of both boards. He said that the statute does require all other state agencies to cooperate with the board in the protected river status bills.

Governor Andrus and Jerry Evans raised concerns with recreational dredges in that section of the river. Mr. Evans asked questions about the Land Board leasing rules for recreational mining--whether that means one person who secures a lease--with all others interested in recreational dredging being precluded. Mr. Markland said yes; it can be a claim or a lease, and a lease is for one river mile. Mr. Evans does not see how this serves a public recreational purpose when it is limited to the use of one individual.

Mr. Hamilton explained that if the board leaves the withdrawal in place as it is right now, then there would be a situation where it would be closed to all recreational dredging.

Pete Cenarrusa moved to approve the department recommendation. J. D. Williams seconded. The motion passed 3-2; Governor Andrus and Jerry Evans voting no.

Renewal of Riverbed Lease -- Crystal Springs Ranch

Mr. Hamilton said this is a request for renewal of a riverbed lease. Mr. Markland explained that this lease has been in existence since 1947. Because of the board actions just discussed, this has been held up since 1989. A notice was sent out; there was no request for a public hearing; but there were adverse comments from other agencies. The department put together an on-site interagency review to discuss the plan and how the operation had been going since 1947. At the conclusion of that meeting, all parties agreed that the lease could go forward if they met the nine stipulations on pages 5 and 6 in the board memorandum. This lease is now presented to the board for approval for renewal.

Jerry Evans asked for clarification that this is a sand and gravel lease only. Mr. Markland explained that it is. The materials are brought up from the river bottom.

Jerry Evans moved to approve the department recommendation. Jim Jones seconded. The motion passed 4-1; J.D. Williams voting "no."

Information Items

Governor Andrus noted the information items as listed. He commented on the grizzly bear recovery report noting that there still is no population count of grizzly bears in the Grouse Bear Unit and that his concern is with the poachers who he believes are causing any problems. Mr. Hamilton reported that department staff in the Sandpoint area have dealt with the grizzly bear situation in a very innovative manner. Governor Andrus maintains that if there is a decrease in the population that it is because of the poachers and not because of utilization of the public lands.

Mr. Cenarrusa alerted the board to drought conditions that are coming on this year. Mr. Hamilton assured the board that when the situation becomes critical, he will bring the issue to the board.


There being no further business brought before the board, the meeting was adjourned.

STATE BOARD OF LAND COMMISSIONERS



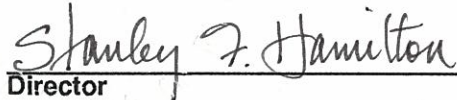
President, and Governor of the State of Idaho

Countersigned:



Secretary of State





Director